

City of Round Rock  
Regular City Council Meeting  
May 28, 2009

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The Round Rock City Council met in Regular Session on Thursday, May 28, 2009, in the City Council Chamber, 221 E. Main Street.

[CALL SESSION TO ORDER - 7:00 P.M.](#)

Mayor McGraw called the meeting to order at 7:03pm.

[ROLL CALL](#)

Those members present were Mayor Alan McGraw, Mayor Pro-Tem Joe Clifford, Councilmember Rufus Honeycutt, Councilmember George White, Councilmember Carlos Salinas, Councilmember Scott Rhode, Councilmember Kris Whitfield, and Councilmember-Elect John Moman. Also present were City Manager Jim Nuse, Assistant City Manager/CFO David Kautz, Assistant City Manager Cindy Demers and City Attorney Steve Sheets. No one was absent from this meeting.

[PLEDGE OF ALLEGIANCE:](#)

Mayor McGraw led the following Pledges of Allegiance:

3A. United States Flag

3B. Texas State Flag

[SWEAR IN NEWLY ELECTED COUNCILMEMBERS:](#)

4A. Joe Clifford, Council Place 3

4B. John Moman, Council Place 5

The City Council took a few minutes to give Councilmember Scott Rhode some parting words and thanked him for his service to the City. Councilmember Rhode then gave his parting words to the Council and staff. Mayor McGraw presented Councilmember Rhode with some gifts in honor of his service.

Judge Dain Johnson then swore in Joe Clifford and John Moman.

Mayor Pro-Tem Clifford and Councilmember Moman made remarks and thanked their friends and family for their support.

[CITIZEN COMMUNICATION](#)

Tim Reiger, 1001 Deer Run, Round Rock, spoke to the Council against the proposed west side recreation center.

Dan Montgomery, 2005 Flint Rock Drive, Round Rock, spoke to the Council regarding the west side recreation center, the Legacy Fieldhouse and his concerns with the sight.

Nancy Clayborne, 8502 Sea Ash Circle, Round Rock, spoke to the Council against the proposed west side recreation center.

Tami Franklin, 1007 Crestview, Round Rock, spoke to the Council against the proposed west side recreation center.

PROCLAMATIONS:

6A. Consider proclaiming May as Motorcycle Safety & Awareness Month. Mayor

McGraw read the following proclamation and presented it to members of the Latin Steel Harley Club and the Central Texas Harley Club:

WHEREAS, motorcycling is both a popular form of transportation and recreation and today's society finds more citizens motorcycling on the beautiful roads of Texas; and

WHEREAS, motorcycle safety awareness campaigns help inform riders and motorists alike on motorcycle safety issues in an effort to reduce motorcycle-related injuries and fatalities; and

WHEREAS, it is the responsibility of all who put themselves behind the wheel, to become aware of motorcyclists, regarding them with the same respect as any other vehicle traveling the highways;

WHEREAS, safe operation of a motorcycle requires use of special skills developed through a combination of training and expertise, the use of good judgment, plus a thorough knowledge of traffic laws and licensing requirements; and

NOW, THEREFORE, I, ALAN MCGRAW, Mayor of the City of Round Rock, Texas, do hereby proclaim May 2009, as

"Motorcycle Safety & Awareness Month"

in the City of Round Rock, Texas, and urge all members of our community to recognize the different type and size of vehicles on our highways and develop a caring attitude toward sharing the road, thus making the roads safer for us all.

PROCLAIMED this 28th day of May 2009.

CONSENT AGENDA: All items listed with an asterisk (\*) are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless requested by a Council member in which event the item will be removed from the consent agenda and considered in its normal sequence on the regular agenda.

\*8A. Consider approval of the City Council minutes for May 14, 2009 Special Called Meeting, Special Called Joint Work Session and Regular Meeting.

\*11A1. Consider an ordinance adopting the Law Enforcement Fund Budget for FY 2008-2009. (Second Reading)

\*11B1. Consider an ordinance amending Chapter 5, Code of Ordinances, by adding Section 5.700 regarding Hazardous Material Incidents and recovering costs. (Second Reading)

\*11C1. Consider an ordinance amending Chapter 9, Section 9.1700, Code of Ordinances, prohibiting through commercial trucks on Chisholm Valley Drive from IH-35 to County Road 172. (Second Reading)

\*11D1. Consider an ordinance changing the name of the recently annexed portion of RM620 to Round Rock Avenue. (First Reading)

\*11E1. Consider an ordinance amending Chapters 1 and 2, Code of Ordinances, by adding Section 1.1712 regarding rules and regulations for leash-free dog parks and the Round Rock Skate Park, and amending Section 2.1405 regarding the restraint of dogs. (Second Reading)

\*11E2. Consider an ordinance amending Chapter 9, Section 9.1816, Code of Ordinances, to prohibit parking on a portion of Harrell Parkway, Aten Loop, TC Oatts Lane and Whitlow Way. (Second Reading)

\*12A1. Consider a resolution authorizing property tax refunds to Baltgem Development Corporation, et al for 2008 taxes totaling \$16,035.67.

\*12B1. Consider a resolution authorizing the Mayor to execute a Developer Commitment Agreement with Avery Center Devco, Inc. for the expansion of north A.W. Grimes Boulevard (FM 1460).

MOTION: Councilmember Whitfield moved to approve the consent agenda.

Councilmember Honeycutt seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt Councilmember White Councilmember Salinas Councilmember Moman Councilmember Whitfield Mayor Pro-tem Clifford Mayor McGraw
	Nays:	None
	Absent:	None

ACTION: The motion carried unanimously.

APPROVAL OF MINUTES:

\*8A. Consider approval of the City Council minutes for May 14, 2009 Special Called Meeting, Special Called Joint Work Session and Regular Meeting. This item was approved under the consent agenda.

PRESENTATIONS:

9A1. Consider a presentation on the City's Financial Status. Cheryl Delaney, Finance

Director made the staff presentation.

9B1. Consider a presentation regarding the concept design for the wayfinding sign system. Nancy Yawn, Convention and Visitors Bureau Director made the staff presentation.

9C1. Consider a presentation and status report on the Old Settlers Ball field project and renovation. Rick Atkins, Parks and Recreation Director made the staff presentation.

PUBLIC HEARINGS:

10A1. Consider public testimony regarding an amendment to the 2004 - 2009 Community Development Consolidated Plan and the Annual Action Plan for Fiscal Year 2008 - 2009. Jim Stendebach, Planning and Community Development Director made the staff presentation.

Mayor McGraw opened the public hearing.

There being no testimony, the public hearing was closed.

ORDINANCES:

\*11A1. Consider an ordinance adopting the Law Enforcement Fund Budget for FY 2008-2009. (Second Reading) This item was approved under the consent agenda.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE ADOPTING A BUDGET FOR THE LAW ENFORCEMENT FUND FOR THE 2008-2009 FISCAL YEAR.

\*11B1. Consider an ordinance amending Chapter 5, Code of Ordinances, by adding Section 5.700 regarding Hazardous Material Incidents and recovering costs. (Second Reading)

This item was approved under the consent agenda.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 5, CODE OF ORDINANCES (1995 EDITION), CITY OF ROUND ROCK, TEXAS BY ADDING SECTION 5.700, REGARDING HAZARDOUS MATERIAL INCIDENTS AND RECOVERING COSTS; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

\*11C1. Consider an ordinance amending Chapter 9, Section 9.1700, Code of Ordinances, prohibiting through commercial trucks on Chisholm Valley Drive from IH-35 to County Road

172. (Second Reading) This item was approved under the consent agenda.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 9, SECTION 9.1700, CODE OF ORDINANCES (1995 EDITION), CITY OF ROUND ROCK, TEXAS; MAKING CERTAIN AMENDMENTS TO SAID SECTION; THEREBY DECLARING IT UNLAWFUL TO DRIVE OR OPERATE A TRUCK ON CHISHOLM VALLEY DRIVE FROM IH 35 WEST FRONTAGE TO COUNTY ROAD 172; PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

\*11D1. Consider an ordinance changing the name of the recently annexed portion of RM620 to Round Rock Avenue. (First Reading) This item withdrawn from the agenda at the request of staff.

11D2. Consider an ordinance amending Chapter 6, Section 6.100, Code of Ordinances, regarding stagnant water, filth, weeds and rubbish. (First Reading) (Requires Two Readings) Jim Stendebach, Planning and Community Development Director made the staff presentation.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 6, SECTION 6.100, CODE OF ORDINANCES (1995 EDITION), CITY OF ROUND ROCK, TEXAS, REGARDING STAGNANT WATER, FILTH, WEEDS, AND RUBBISH; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

MOTION: Councilmember Moman moved to approve the ordinance. Mayor Pro-tem Clifford seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt Councilmember White Councilmember Salinas Councilmember Moman Councilmember Whitfield Mayor Pro-tem Clifford Mayor McGraw
	Nays:	None
	Absent:	None

ACTION: The motion carried unanimously.

\*11E1. Consider an ordinance amending Chapters 1 and 2, Code of Ordinances, by adding Section 1.1712 regarding rules and regulations for leash-free dog parks and the Round

Rock Skate Park, and amending Section 2.1405 regarding the restraint of dogs. (Second

Reading) This item was approved under the consent agenda.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING THE CODE OF ORDINANCES (1995 EDITION), CITY OF ROUND ROCK, TEXAS, CHAPTER 1, BY ADDING SECTION 1.1712 GOVERNING RULES AND REGULATIONS FOR LEASH-FREE DOG PARKS AND THE ROUND ROCK SKATE PARK, ESTABLISHING A PENALTY AND AMENDING SECTION 2.1405 GOVERNING RESTRAINT OF DOGS; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

\*11E2. Consider an ordinance amending Chapter 9, Section 9.1816, Code of Ordinances, to prohibit parking on a portion of Harrell Parkway, Aten Loop, TC Oatts Lane and Whitlow Way.

(Second Reading) This item was approved under the consent agenda.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 9, SECTION 9.1816, CODE OF ORDINANCES (1995 EDITION), CITY OF ROUND ROCK, TEXAS, TO PROHIBIT PARKING ON A PORTION OF HARRELL PARKWAY, ATEN LOOP, TC OATTS LANE, AND WHITLOW WAY; PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

RESOLUTIONS:

\*12A1. Consider a resolution authorizing property tax refunds to Baltgem Development Corporation, et al for 2008 taxes totaling \$16,035.67. This item was approved under the consent agenda.

[12A2. Consider a resolution authorizing the mayor to execute an agreement with Specialized Public Finance Inc. for financial advisory services.](#)

MOTION: Mayor Pro-tem Clifford moved to approve the resolution. Councilmember Whitfield seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt Councilmember White Councilmember Salinas Councilmember Moman Councilmember Whitfield Mayor Pro-tem Clifford Mayor McGraw
	Nays:	None
	Absent:	None

ACTION: The motion carried unanimously.

\*12B1. Consider a resolution authorizing the Mayor to execute a Developer

Commitment Agreement with Avery Center Devco, Inc. for the expansion of north A.W. Grimes Boulevard (FM 1460). This item was approved under the consent agenda.

12B2. Consider a resolution authorizing the Mayor to execute a Letter Agreement with the Williamson County Conservation Foundation regarding the mitigation fee for the Wyoming Springs Drive and Creek Bend Boulevard Project. Michael Thane, Utilities Director made the staff presentation.

MOTION: Councilmember Honeycutt moved to approve the resolution. Councilmember White seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt Councilmember White Councilmember Salinas Councilmember Moman Councilmember Whitfield Mayor Pro-tem Clifford Mayor McGraw
	Nays:	None
	Absent:	None

ACTION: The motion carried unanimously.

12C1. Consider a resolution adopting and implementing the City's Identity Theft Prevention Program (Red Flags) as required by the Federal Trade Commission Rule. Hassan

Farhat, Risk Manager made the staff presentation.

MOTION: Councilmember Honeycutt moved to approve the resolution. Councilmember Whitfield seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt Councilmember White Councilmember Salinas Councilmember Moman Councilmember Whitfield Mayor Pro-tem Clifford Mayor McGraw
	Nays:	None
	Absent:	None

ACTION: The motion carried unanimously.

12D1. Consider a resolution authorizing the Mayor to execute an application for the Edward Byrne Memorial Justice Assistance Formula Grant in the amount of \$451,740.00. Brad

Bradford, Emergency Management Coordinator made the staff presentation.

MOTION: Councilmember Honeycutt moved to approve the resolution. Councilmember Whitfield seconded the motion.

VOTE:     Ayes:     Councilmember Honeycutt  
                             Councilmember White  
                             Councilmember Salinas  
                             Councilmember Moman  
                             Councilmember Whitfield  
                             Mayor Pro-tem Clifford  
                             Mayor McGraw  
                 Nays:     None  
                 Absent:    None

ACTION: The motion carried unanimously.

[12E1. Consider a resolution amending the 2004 - 2009 Community Development Consolidated Plan and the Annual Action Plan for Fiscal Year 2008 - 2009.](#) Jim Stendebach, Planning and Community Development Director made the staff presentation.

MOTION: Councilmember Honeycutt moved to approve the resolution. Councilmember Whitfield seconded the motion.

VOTE:     Ayes:     Councilmember Honeycutt  
                             Councilmember White  
                             Councilmember Salinas  
                             Councilmember Moman  
                             Councilmember Whitfield  
                             Mayor Pro-tem Clifford  
                             Mayor McGraw  
                 Nays:     None  
                 Absent:    None

ACTION: The motion carried unanimously.

[12F1. Consider a resolution authorizing the Mayor to execute Amendment No. 3 to the Interlocal Agreement with Cedar Park and Leander regarding Final Design Services for the Regional Water System Project.](#) Michael Thane, Utilities Director made the staff presentation.

MOTION: Councilmember White moved to approve the resolution. Councilmember Moman seconded the motion.

VOTE:     Ayes:     Councilmember Honeycutt  
                             Councilmember White  
                             Councilmember Salinas  
                             Councilmember Moman  
                             Councilmember Whitfield  
                             Mayor Pro-tem Clifford  
                             Mayor McGraw  
                 Nays:     None  
                 Absent:    None



ACTION: The motion carried unanimously.

[12F2. Consider a resolution authorizing the Mayor to execute Supplemental Agreement No. 3 with K. Friese & Associates, Inc. for the Water Transmission Line, Segment 2C for the Cedar Park/Round Rock/Leander Regional Water System Project.](#) Michael Thane, Utilities Director made the staff presentation.

MOTION: Mayor Pro-tem Clifford moved to approve the resolution. Councilmember White seconded the motion.

VOTE:

Ayes:	Councilmember Honeycutt Councilmember White Councilmember Salinas Councilmember Moman Councilmember Whitfield Mayor Pro-tem Clifford Mayor McGraw
Nays:	None
Absent:	None

ACTION: The motion carried unanimously.

[12G1. Consider a resolution authorizing the Mayor to execute the Amendment No. 1 to the Williamson County Regional Animal Control Shelter Agreement.](#) David Kautz, Assistant City Manager made the staff presentation.

MOTION: Mayor Pro-tem Clifford moved to approve the resolution. Councilmember Honeycutt seconded the motion.

VOTE:

Ayes:	Councilmember Honeycutt Councilmember White Councilmember Salinas Councilmember Moman Councilmember Whitfield Mayor Pro-tem Clifford Mayor McGraw
Nays:	None
Absent:	None

ACTION: The motion carried unanimously.

[12G2. Consider a resolution approving a resolution by the Board of Directors of the Brushy Creek Regional Utility Authority, Inc. authorizing the issuance of "Brushy Creek Regional Utility Authority, Inc, City of Round Rock, Texas contract revenue bonds, \(Brushy Creek Regional Water Treatment and Distribution Project\)"; establishing the procedures for selling and delivering the bonds, and resolving other matters incident and relating to the issuance,](#)

[payment, security, sale and delivery of such bonds.](#) Cindy Demers, Assistant City Manager

made the staff presentation and then turned the presentation over to Gary Kimball, Richard Ramirez, and Carol Polumbo.

**MOTION:** Councilmember Whitfield moved to approve the resolution. Councilmember Honeycutt seconded the motion.

**VOTE:**      Ayes:      Councilmember Honeycutt  
                                 Councilmember White  
                                 Councilmember Salinas  
                                 Councilmember Moman  
                                 Councilmember Whitfield  
                                 Mayor Pro-tem Clifford  
                                 Mayor McGraw  
                 Nays:      None  
                 Absent:     None

**ACTION:** The motion carried unanimously.

[12G3.    Consider a resolution nominating Michael Thane for the Brazos G Regional](#)

[Water Planning Group.](#) Jim Nuse, City Manager made the staff presentation.

**MOTION:** Councilmember White moved to approve the resolution. Councilmember Honeycutt seconded the motion.

**VOTE:**      Ayes:      Councilmember Honeycutt  
                                 Councilmember White  
                                 Councilmember Salinas  
                                 Councilmember Moman  
                                 Councilmember Whitfield  
                                 Mayor Pro-tem Clifford  
                                 Mayor McGraw  
                 Nays:      None  
                 Absent:     None

**ACTION:** The motion carried unanimously.

**APPOINTMENTS:**

[13A.    Consider the appointment of a Mayor Pro-Tem.](#)

**MOTION:** Mayor McGraw moved to appoint Joe Clifford as Mayor Pro-Tem.

Councilmember Honeycutt seconded the motion.

**VOTE:**      Ayes:      Councilmember Honeycutt  
                                 Councilmember White  
                                 Councilmember Salinas  
                                 Councilmember Moman  
                                 Councilmember Whitfield  
                                 Mayor Pro-tem Clifford  
                                 Mayor McGraw

Nays: None

Absent: None

ACTION: The motion carried unanimously.

EXECUTIVE SESSION:

14A. Consider Executive Session as authorized by §551.071 Government Code, to conduct private consultation with the City Attorney regarding a settlement offer and/or contemplated litigation regarding the Wastewater Disposal Contract with the Lower Colorado River Authority.

The Council recessed to the Executive Chamber for the Executive Session. Mayor McGraw called the Executive Session to order at 9:24 p.m. and adjourned at 10:15 p.m.

14B. Consider Executive Session as authorized by §551.087 Government Code, related to Economic Development to deliberate the offer of a financial or other incentive to Project Hope. This item was withdrawn from the agenda at the request of staff.

ACTION RELATIVE TO EXECUTIVE SESSION:

15A. Consider discussion and/or possible action related to a settlement offer and/or contemplated litigation regarding the Wastewater Disposal Contract with the Lower Colorado River Authority.

MOTION: Mayor Pro-tem Clifford moved to direct the City Manager to execute the Memorandum of Understanding with the LCRA. Councilmember Whitfield seconded the motion.

VOTE: Ayes: Councilmember Honeycutt  
Councilmember White  
Councilmember Salinas  
Councilmember Moman  
Councilmember Whitfield  
Mayor Pro-tem Clifford  
Mayor McGraw

Nays: None

Absent: None

ACTION: The motion carried unanimously.

15B. Consider discussion and/or possible action related to Economic Development to deliberate the offer of a financial or other incentive to Project Hope. This item was withdrawn from the agenda at the request of staff.

COUNCIL COMMENTS

ADJOURNMENT

There being no further business, the meeting was adjourned at 10:23 P.M.

Respectfully Submitted,

Sara L. White, City Secretary